

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO

Peter L. GRIECO # 96A2050,

Plaintiff,

v.

Records Access Officer

Puerto Rico Department of Treasury,

Defendant

COMPLAINT

Civil Action No.: 09-1860 (JP)

COMPLAINT

Date: August 3rd, 2009

By: Peter L. Grieco  
(Signature of attorney or unrepresented party)

Peter L. Grieco # 96A2050

(Printed name)

Southport Correctional Facility

P.O. Box 2000

Pine City, N.Y. 14871

N/A

(E-mail address)

N/A

(Telephone number)

STATEMENT OF JURISDICTION

- A.) This action arises under a federal statute, 5 U.S.C. § 552.
- B.) This Court has subject matter jurisdiction to review this matter as it directly pertains to the actions of a Federal Agency, whose officers act under authority of Title 50 U.S.C. App. § 7(c)(e). This court has personal jurisdiction over the Defendant because the Defendant is an officer/employee of the United States Government, duly appointed to office.
- C.) This Court has personal jurisdiction over both plaintiff and defendant, in that defendant is a federal agency whose principle office is located within the District of Puerto Rico. Plaintiff is a citizen of the United States pursuant to U.S. Const. Amend. 14.

COMPLAINT FOR FAILURE TO PERFORM A STATUTORILY MANDATED DUTY

I, Peter L. Grieco # 96A2050, am the plaintiff pro se in the above-captioned matter, and I make the following complaint:

I compiled the F.O.I.A. Request on the 19<sup>th</sup> day of May 2009, and subsequently mailed it via Priority Mail—Certified Return Receipt Requested, on the 26<sup>th</sup> day of May, 2009; which was received and signed for on the 1<sup>st</sup> day of June 2009 see Exhibit “B”, I sent the request, pursuant to 5 U.S.C. § 552, Freedom of Information Act (hereinafter F.O.I.A.), to Records Access Officer. I received no response.

- 1) Puerto Rico Department of Treasury, a Federal Agency located at Puerto Rico Department of Treasury, P.O. Box 9022501, San Juan, Puerto Rico 00902-2501, subject to the provisions of said F.O.I.A. Statute. I claim that the agency did not comply with the provisions of the F.O.I.A. Statute.
- 2) Within Puerto Rico Department of Treasury, the officer(s), and/or person(s) responsible for processing my F.O.I.A. request are: Records Access Officer, or

equivalent, and the location of the office from which said person(s) or officer(s) performs their official administrative duties as relates to this complaint is located at Puerto Rico Department of Treasury, P.O. Box 9022501, San Juan, Puerto Rico 00902-2501, such person(s) or officer(s) failed to provide the requested material, and/or failed to provide a valid reason for withholding the sought after information.

- 3) The specific information sought through the F.O.I.A. Request made is: I requested to know whether a document that I had previously submitted for filing had been processed; a copy of the specific F.O.I.A. Request is attached as Exhibit "A" and a copy of the proof of receipt of the "Order to Perform/Termination Statement" to which the F.O.I.A. at issue refers, is attached as Exhibit "C", or in the alternative that the agency provide me with a copy of the agency's policy for obtaining records in accordance with Title 5 U.S.C. § 552(a)(1)(A) and said agency was required to provide said information within 20 business days of receipt of the written request pursuant to Title 5 U.S.C. § 552(a)(6)(A)(i), or in the alternative pursuant to Title 5 U.S.C. § 552(a)(6)(B)(i), to provide an estimated time-frame as to when such requested material(s) would be made available, or in further alternative pursuant to Title 5 U.S.C. § 552(a)(6)(C) to deny the request and set forth the legally valid reason for doing such denial.
- 4) As of the date of this filing, I have not received any response; neither the records, a denial with proper appeal procedures set forth nor the information requested.
- 5) The continued refusal to provide the requested information is in violation of the law and said agency and/or its officer(s) have no legal right to withhold the sought after information.
- 6) I respectfully request that this Court liberally apply any rules pertaining to form and/or content with regards to the structure of this complaint as I am a pro se litigant not versed in the technical nuances of legal writing and motion composition.

WHEREFORE, I respectfully request that this court issue an order enjoining the Records Access Officer Puerto Rico Department of Treasury to refrain from failing to provide the requested information within 30 days of this Court's Order, or in the alternative, to justify why the agency has not provided the requested information; including an itemized index of the documents claimed to be exempt, correlating specific statements in such justification with actual portions of the requested documents; and further

ORDERING that copies of any papers submitted to this Court be served upon the plaintiff at least 15 days prior to any scheduled hearing date relating to this matter; and for such other and further relief as to this Court seems just and equitable.

Respectfully Submitted,

Peter L. Grieco  
Peter L. GRIECO # 96A2050  
Southport Correctional Facility  
P.O. Box 2000  
Pine City, N.Y. 14871

Dated: August 6<sup>th</sup>, 2009

I declare under penalty of perjury that the foregoing is true and correct to my own knowledge except to the matters stated herein upon information and belief, and as to those matters, I believe them to be true.

Sworn and subscribed to before me on this  
6<sup>th</sup> day of August, 2009.

Herman Liebson  
Notary Public

HERMAN LIEBSON  
Notary Public, State of New York  
Chemung Co. Reg. No. 0116000  
Commission Expires January 18, 2010